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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000375

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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [IZ](#)  
SUBJECT: FOREIGN AFFAIRS CHAIR SHARES VIEWS ON  
CONSTITUTIONAL REVIEW, SECURITY, DEBAATHIFICATION

Classified by Deputy PolCouns Charles O. Blaha for reasons  
1.4  
b and d.

[11](#). (C) Summary: Deputy Political Counselor and  
Shiite Chairman of the Iraqi Council of Representatives  
Foreign  
Relations Committee (and SCIRI member) Humam Hammoudi  
discussed constitutional review, the Baghdad security plan,  
regional elections, and de-Ba'athification February 3, with  
Hammoudi particularly expressing pleasure at U.S. interest  
in (but not imposition of ideas on) the constitutional  
review process he chairs. He was concerned that Arab  
League head Amre Moussa had called for a UNSCR on Iraqi  
constitutional review and noted the lack of participation  
(particularly by the Sunni Iraqi Islamic Party, IIP) in  
review  
committee sessions. He hoped the USG would not undermine  
the process and said many parties' demands could be better  
addressed by changes in the law, not the constitution.  
Noting anxiety over the Baghdad security plan, he cautioned  
that any sense of sectarian bias would prevent the plan's  
success. Kurdish concerns over Kirkuk were stalling  
preparations for provincial elections, he suggested; he  
cited unnamed "personalities" in Najaf calling for  
individual candidacies in those elections (rather than a  
"closed list") to increase individual accountability.  
De-Ba'athification could benefit Syria, according to  
Hammoudi, who cited "cells" of Syrian Baathi organs already  
active in Iraq. End summary.

Constitutional Review Committee  
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[12](#). (C) Expressing thanks for (and feigning surprise at)  
U.S. interest in the work of the Constitutional Review  
Committee (CRC), Hammoudi said he welcomed "positive  
concern" but hoped to avoid any implied imposition of  
conditions on the process. He said Arab League Secretary  
General Amre Moussa (after discussing the review process  
with Hammoudi in Cairo) called (in Davos) for a UNSCR  
citing the need for constitutional review in Iraq.  
Hammoudi said that would put Iraq under an external  
mandate, which was unacceptable. He said he was not sure  
what elements of the constitution Moussa sought to change.  
(On the other hand, he welcomed Moussa's call for a UNSCR  
on the unity of Iraq.)

[13](#). (C) Hammoudi said the IIP had originally called for a  
review process as a condition for voting for the  
constitution, yet when asked to submit their specific  
concerns they instead canvassed various parties and  
submitted the concerns of a broader group, and even that  
was two months after the CRC began its work. He said IIP  
members were not actively attending committee meetings.  
Hammoudi rhetorically questioned whether "the Americans"  
had made promises to various parties which therefore felt  
no need to attend the review committee meetings. He said

those who helped write the original document continued to attend meetings, but those who had called for changes only sent their (non-decision-making) representatives. Hammoudi said he had asked Ayad al-Samarai'e of IIP to chair the most important of the three subcommittees, the Political subcommittee, but that al-Samarai'e had recently asked to be relieved of this role.

¶4. (C) DepPolCouns said the USG had no agenda for the review process, beyond our hope that the outcome facilitates reconciliation. We want Iraq to feel it has better government as a result. The absence of the IIP from committee deliberations, of course, undermined an important democratic process. Hammoudi said that, in fact, many of the concerns raised by the IIP should be resolved through legislative measures rather than via constitutional change. Regarding Kurdish skepticism about a constitutional requirement that Iraqi oil revenue be distributed by the central government, Hammoudi said "one third" of the problems faced by the review committee could be resolved if the Kurds could be convinced to agree to a hydrocarbon law.

¶5. (C) Noting the mid-May deadline for the CRC's work, Hammoudi said that after the late February parliamentary break committee meetings would continue in earnest -- some committee members would even participate in UN judicial forums and conferences during the break.

#### Baghdad Security Plan

¶6. (C) Hammoudi, noting that many Iraqis were awaiting progress on the Baghdad security plan, appreciated the PM's

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desire to proceed gradually (highlighting visible progress instead of further statements of intent) yet said that anxiety was high due to prior media announcements. Hammoudi questioned whether political entities had put "conditions" on the plan, or sought to manipulate lists of persons who might be targeted. He had heard, for example, that Tariq al-Hashemi was insisting on reviewing a list of names targeted for raids, and that he would consider the plan "sectarian" if he was unable to review them.

¶7. (C) DepPolCouns noted that discussion within the Executive Steering Committee (and frequent USG discussions with Al Hashemi) focused security planning on specific geographic areas rather than a list of names. He agreed with Hammoudi that the plan needed to implement the law without sectarian distinction to be politically sustainable -- and to succeed. Hammoudi cited IIP statements blaming the government for sectarian bias after security operations in Najaf and Baghdad's Haifa Street. He recommended a Sunni spokesman for the plan, particularly since the PM and key officials commenting on it were from the Shia Coalition. DepPolCouns endorsed the need for all parties to speak out in support of the security plan -- including for Shia leaders to voice support when Shia areas were the focus of operations; the "targets" are outlaws, not categorized by political orientation.

#### Provincial Elections

¶8. (C) In spite of strong CoR interest in provincial elections, Hammoudi said the Kurds refused to hold provincial elections until issues of provincial boundaries were resolved. That would take more than a year, suggested Hammoudi. He said the second reading of the law on governorates not formed into regions would take place after the late February legislative break.

¶9. (C) Asked if elections would likely feature closed

lists or be open to individual candidates, Hammoudi said there was some support for the latter, although the CoR had not yet studied the pros and cons of each alternative. He said "a personality" from Najaf was suggesting individual candidacies so that those elected could be held accountable. (Note: We believe that Hammoudi was referring to the Fadhlila party's "spiritual leader" Ayatollah al-Yacoubi. End note.)

#### De-Ba'athification

¶10. (C) Hammoudi said Ahmed Chalabi, chairman of the Higher National De-Ba'athification Commission, was proposing a system whereby approximately 1,500 persons would not be welcome to "come back" to governing positions. He expected opposition to this limitation, yet also sensed a broad desire by many parties to reach a solution. The important thing to the Shi'a, he emphasized, is to prevent the return of "Saddam Baathists," and to bring criminals to justice. He also recommended preventing former leaders in the Baath party from assuming sensitive positions for a certain period of time.

¶11. (C) An amended de-Ba'athification law would benefit Syrians the most, said Hammoudi, suggesting that a Ba'ath Party leadership council had been formed in Syria with cells operating in Iraq; a relaxed law could insert Syrian Baath influence into the political process in Iraq. DepPolCouns made clear that the U.S. did not want either Saddamist or Syrian domination, and that USG interest in the process was similar to our interest in constitutional review: we seek an Iraqi-led process that is acceptable to most parties and thus facilitates reconciliation. The minority needed to be heard, but did not necessarily need a veto. Hammoudi said the trick was translating these "beautiful words" into concrete legal mechanisms that made all parties feel enfranchised in the political process. He said that "as a psychologist," he could say the Shia had enjoyed "nothing" in the past and were therefore open to compromise, because they would still have gained from even a compromise solution.

KHALILZAD